

John Goldfarb, Please

Chalk up another victory for "Beep Beep," whose athletic teams—the Fighting "Beeps,"—with their propensity for winning football games, have brought an embarrassing amount of national attention to this cloistered Midwestern religious university. The shy administrators of "Beep Beep" became upset when a satirical movie, "*John Goldfarb, Please Come Home*," appropriated the University's good name without asking permission and pasted it on an otherwise mythical team that loses the first full-scale football game ever played on a Middle East desert.

Of course, the very thought of the Fighting "Beeps" losing a game would make us realize immediately that no more harm was intended "Beep Beep" than the author of a fantasy called *The Year the Yankees Lost the Pennant* intended the New York Yankees. However, Justice Henry Clay Greenberg of the New York State Supreme Court did not take this view. He issued a temporary injunction against the showing and distribution of *John Goldfarb*, saying "the legal wrong . . . consists of the unauthorized appropriation and commercial exploitation of that private institution's name, and symbols and reputation, in a manner which inflicts irreparable injury upon the high prestige of the University and to the value of its name and symbols."

Though the Justice disavowed such an intention, the decision does raise important questions of the restriction of press and free speech. The law allows a victim of libel or defamation of character to appeal for damages in court. It does not allow the courts to exert prior restraint by censoring damaging utterances prior to publication. Even though this complaint was made by a private institution rather than by the Government, the implications are equally upsetting if the decision is upheld.

As for "Beep Beep," its reputation rests temporarily secure, although next season some irreverent spectators may fly disrespectful banners as the Fighting "Beeps" march down the field.